

## **REMARKS**

Applicants reply to the Office Action dated July 20, 2006, which Reply is filed with a two-month extension of time. Claims 1, 2, 4, 5, 10-12, 22-24, 27, and 48 were pending in the application and the Examiner rejects claims 1, 2, 4, 5, 10-12, 22-24, 27, and 48. Applicants add new dependent claim 49. Support for the new claim and amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

## **Claim Objections**

The Examiner objects claim 5 due to informalities. Applicants amend claim 5 to clarify that polling occurs among a subset of a plurality of merchants in order to compile collective information indicative of an overall experience with a consumer.

## **Rejection under 35 U.S.C. § 103(a)**

The Examiner rejects claims 1, 10, 12, 22, 23, and 48 under 35 U.S.C. § 103(e) as being anticipated by Musgrove et al., U.S. Patent No. 6,725,222 ("Musgrove") in view of Daly et al., U.S. Patent No. 5,878,141 ("Daly"). Applicants respectfully traverse the rejection.

Musgrove discloses a method for storing product information from a plurality of merchants within a centralized shopping server, providing product information from multiple merchants to users, and consummating order transactions relating to one or more user selected products. Musgrove further discloses known methods for collecting product information from merchant servers using automated web crawlers and bots. Web crawlers and bots are known to those of ordinary skill and are disclosed by Musgrove to enable the invention by providing a means for collecting product information from merchant web sites. Musgrove is limited to searching and displaying product data obtained from a plurality of merchant web sites and facilitating purchase transactions.

Musgrove discloses that, when a shopper selects products from a plurality of vendors for purchase, the shopping server presents the user with a pre-filled purchase form. The form is filled from product and customer information which is maintained in a database. The user is given the opportunity to make changes to information in the form before submitting it to a shopping server. The shopping server then uses the form information to fill in purchase forms on each merchant server. Because it is likely that the purchasing process is facilitated in different ways among varying merchants, the shopping server maintains buy procedures corresponding to each merchant.

For example, if the customer selects a product for purchase from Merchant A, then the shopping server retrieves a corresponding script that defines the specific buy procedure for Merchant A. Musgrove discloses that, “[b]uy procedures or merchant server 40 are integrated into buy processes of shopping server 20 to allow buy process 56 to automatically navigate merchant server 40” (column 7, lines 36-39). Thus, it is evident that the merchant server must be affiliated with the shopping server in order for the shopping server to maintain the instructions necessary to navigate the merchant server 40 during a buy process. At a minimum, the shopping server must be preconfigured to conduct a buy process at each of the merchant servers for which shopping server offers products for sale. There is no disclosure in Musgrove that would enable a buy process to be executed on an unaffiliated or unfamiliar merchant website.

Daily discloses a purchase mediation system that matches accepted merchant payment methods with a purchaser's available payment methods. The Daily system analyzes information pertaining to purchaser available payment methods against information pertaining to accepted payment methods to determine an overlap of payment methods. In this manner, only purchase methods that are both accepted by the merchant and available to the purchaser are displayed to a purchaser in an online shopping environment. Because Daily is directed toward providing an online shopping environment with affiliated merchants, Daily is not concerned with the problem of automatically navigating a merchant website to facilitate a purchase transaction. As such, neither Musgrove, Daily, nor any combination thereof, disclose or suggest at least, “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to said unaffiliated website according to pattern matching,” as recited by amended independent claim 1.

Claims 10, 12, 22, 23, and 48 variously depend from independent claim 1; therefore, Applicants assert that dependent claims 10, 12, 22, 23, and 48 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claims 2 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daily in view of Bruno et al., U.S. Patent No. 6,320,952 (“Bruno”). Applicants respectfully traverse this rejection.

Bruno discloses an improved voice and data line system for routing toll-free calls to other destinations. Specifically, Bruno is directed toward reducing the costs that subscribers to toll-free services incur when a call is transferred from a first destination to another. For example, when a

consumer calls a toll-free number, she may be provided a menu of options for selection. Based on the selection, the call may be routed to another toll-free line. However, while the caller is on the second line, the first toll-free line remains active. Thus, the subscriber must pay for the use of the line, even though the line is not in use by the consumer. Bruno discloses a complex switching system to eliminate this problem; however, Bruno is not concerned with automatically navigating a merchant website to facilitate a purchase transaction. As such, Bruno does not disclose or suggest at least, “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to said unaffiliated website according to pattern matching,” as recited by amended independent claim 1 from which claims 2 and 24 depend. Moreover, Applicants assert that dependent claims 2 and 24 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daily in view of Walker et al., U.S. Patent No. 5,862,223 (“Walker”). Applicants respectfully traverse the rejection of pending claims 4 and 5.

Walker generally discloses a system for providing answers to a wide variety of questions in an Internet and/or voice telephony environment. Specifically, the Walker system enables an end user to submit a question to a main server that attaches a user identifier and tracking number to the question. The server then searches a database for an expert who is best suited to answer the question based on the nature of the question. When an expert is identified, the server forwards the question to an expert interface where it may be reviewed. An answer is then sent from the expert interface to the server where it is ultimately provided to the end user. The Walker system matches questions with either a previously provided answer or an expert who is qualified to answer the question. Thus, Walker is not concerned with automatically navigating a merchant website to facilitate a purchase transaction. As such, neither Musgrove, Daily, Walker, nor any combination thereof, disclose or suggest at least, “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to said unaffiliated website according to pattern matching,” as recited by amended independent claim 1 from which claims 4 and 5 variously depend. Moreover, Applicants assert that dependent claims 4 and 5 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daily in further view of official notice. Applicants respectfully traverse the rejection.

Specifically, the Examiner asserts that, “Musgrove discloses a plurality of shoppers with their distinct accounts (e.g., column 6, lines 32-46), and official notice is taken that it is well known to search all relevant pages of relevant websites, and/or to obtain copies, while Musgrove discloses culling product information from merchant sites by Web crawlers or other means” (page 7, paragraph 2).

Applicants note that claim 11 relates to obtaining product ordering services (i.e., the steps required to order a product) and not to collecting product information. Those of ordinary skill would appreciate that “screen scraping” is commonly used to programmatically collect information from web pages. However, it would be further appreciated that the process of collecting information from web pages is quite different than the sophisticated process required to programmatically navigate a website and to accurately fill form fields with the proper information. As such, neither Musgrove, Daily, Examiner’s official notice, nor any combination thereof, disclose or suggest at least, “injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to said unaffiliated website according to pattern matching,” as recited by amended independent claim 1 from which claim 11 variously depends. Moreover, Applicants assert that dependent claim 11 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

The Examiner rejects claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Musgrove and Daily in further view of official notice. Applicants respectfully traverse the rejection.

The Examiner asserts that, “Musgrove does not disclose that the consumer is an electronic agent of a human consumer, but such electronic agents (known as ‘shopping bots’ or by similar terms) are well known” (page 7, paragraph 3). Applicants respectfully disagree.

While Applicants agree that “shopping bots” are well known, they are limited in what they can perform. A shopping bot is used to scour the Internet for the best prices for a defined product or service. For example, an end user may enter a product description, including a manufacturer and model, and the shopping bot will return one or more URLs for online merchants offering the define product. This saves the shopper time in that he is not forced to view multiple merchant websites in

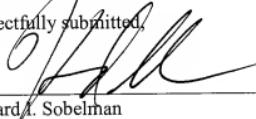
search of the lowest price. However, shopping bots do not facilitate a purchase transaction on behalf of the end user. As such, neither Musgrove, Daily, Examiner's official notice, nor any combination thereof, disclose or suggest at least, "injecting a product order at one of said plurality of at least one of: affiliated and unaffiliated websites associated with said selected product in said universal shopping cart, wherein said product order is injected to said unaffiliated website according to pattern matching," as recited by amended independent claim 1 from which claim 27 depends. Moreover, Applicants assert that dependent claim 27 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

New claim 49 depends from independent claim 1; therefore, Applicants assert that new dependent claim 49 is differentiated from the cited references for at least the same reasons as set forth above, as well as in view of its own respective features.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Attached is a Petition for Extension of Time Under 37 CFR 1.136(a).

Respectfully submitted,

  
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